

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSIONS OF)
)
POLICE OFFICER WILLIAM ORSA,) **No. 14 SR 2324**
STAR No. 17885, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER JASON BOETTCHER,) **No. 14 SR 2325**
STAR No. 13670, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
AND)
)
POLICE OFFICER JOSEPH KEIM,) **No. 14 SR 2328**
STAR No. 9822, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) **(CR No. 1016176)**

FINDINGS AND DECISIONS

On or about May 8, 2014, the Superintendent of Police suspended Police Officer William Orsa, Star No. 17885, for seven (7) days, Police Officer Jason Boettcher, Star No. 13670, for seven (7) days, and Police Officer Joseph Keim, Star No. 9822, for fifteen (15) days for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance. (Keim)
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. (Keim)
- Rule 6: Disobedience of an order or directive, whether written or oral. (Orsa, Boettcher, and Keim)

Officers Orsa and Boettcher each requested Police Board review of his suspension on May 16, 2014, and Officer Keim requested Police Board review of his suspension on May 22, 2014. Officers Boettcher and Keim each filed with the Police Board a memorandum delineating specific reasons for which the review was requested (Officer Orsa did not do so).

The Executive Director of the Police Board assigned these matters to Hearing Officer Fredrick H. Bates. Hearing Officer Bates reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the recommendations of Command Channel Review, the officers' memoranda, the Independent Police Review Authority's responses to the officers' memoranda, and Hearing Officer Bates's report. Hearing Officer Bates made an oral report to, and conferred with, the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. The allegation, set forth below, that Police Officer William Orsa, Star No. 17885, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On May 1, 2008, at approximately 0156 hours, at 654 West Garfield Boulevard, Chicago, in a graveled parking lot, Officer Orsa did violate the provisions of General Order 93-03-02B, Section II-B-1, in that he witnessed misconduct and failed to immediately notify a supervisor and prepare a written report to memorialize the incident.

The allegations against the Officers Orsa, Boettcher, and Keim arise out of the same nucleus of salient operative facts, which are as follows.

On May 1, 2008, at approximately 1:56 a.m., David Bradley and his brother, Trevor Andrews, pulled into a vacant lot at 654 W. Garfield adjacent to the apartment building where David Bradley lived, located at 652 W. Garfield. A police car drove into the alley and beamed a spotlight into their white Towncar. The officers, subsequently identified as Officer Jerry Doskocz

and Officer Joseph Keim, then approached the vehicle. Officer Keim asked Mr. Bradley his name, and he provided his brother's name, Trevor Andrews. When Officer Keim requested identification, Mr. Bradley provided his correct name. Officer Keim placed Mr. Bradley in the rear of the squad car and ran their names¹, while Officer Duskocz stayed with the vehicle and Mr. Andrews.

Two male uniformed Police Officers, subsequently identified as Officers William Orsa and Jason Boettcher, arrived on scene in a squadrol. Officer Keim escorted Mr. Bradley back to the car where Mr. Andrews and Officer Duskocz were near the rear of the white vehicle.

After his encounter with the officers, Bradley called 911 and complained of being made to do push-ups in the mud and about being injured by the police. Sergeant Michael Kuber and another Officer responded to the call. Bradley told them that the incident may have been recorded by the Police Observation Device on 55th Street. Mr. Bradley's mother, Juanita Andrews, took photographs of Bradley that showed his injuries. An evidence technician also took photographs of Mr. Bradley. He subsequently sought medical care at Stroger Hospital.

On May 2, 2008, Investigator Goodwin interviewed Trevor Andrews, who substantially corroborated Mr. Bradley's account of the encounter with the Chicago police officers on May 1, 2008.

A review of the Police Observation Device video shows two white officers conversing with two black males in the gravel lot. At approximately 1:54 a.m. a squadrol is parked on the street just west of the lot. Two police officers are seen walking towards the lot. An officer believed to be Officer Keim is later observed searching the white vehicle on the driver's side. Police Observation Device photos depict the same thing as the video.

¹ On May 7, 2008, the Police Department's Information Services Division confirmed that Officer Keim conducted a name search from his vehicle at 1:56 a.m. for the names "David Bradley" and "Trevor Andrews." Officers Keim and Duskocz consistently indicated that Duskocz conducted the name search.

The Independent Police Review Authority sustained the allegations against Officer Duskocz that he instructed Bradley to do push-ups, and that he grabbed Bradley by his belt while he was doing push-ups and pushed him back down, causing injury to Bradley. The Police Observation Device photographs and video, combined with Officer Orsa's April 7, 2010, statement, clearly establish that Officers Orsa, Boettcher, and Keim were present when Mr. Bradley was made to do push-ups in the rain, in a gravel lot, at 2:00 a.m. on May 1, 2008. The notion that Mr. Bradley just suddenly dropped and started doing these push-ups of his own volition is not credible. The two brothers' mostly consistent stories are more likely than not more accurate accounts of what took place during this incident. As stated above and in paragraph no. 4 below, there is sufficient evidence to find that Officer Orsa witnessed misconduct by Officers Duskocz and Keim and failed to immediately notify a supervisor and prepare a written report to memorialize the incident in violation of the provisions of General Order 93-03-02B, Section II-B-1, thereby violating Rule 6 as alleged.

2. The allegation, set forth below, that Police Officer Jason Boettcher, Star No. 13670, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On May 1, 2008, at approximately 0156 hours, at 654 West Garfield Boulevard, Chicago, in a graveled parking lot, Officer Boettcher did violate the provisions of General Order 93-03-02B, Section II-B-1, in that he witnessed misconduct and failed to immediately notify a supervisor and prepare a written report to memorialize the incident.

See the findings set forth in paragraph nos. 1 and 4, which are incorporated here by reference. Officer Boettcher witnessed misconduct by Officers Duskocz and Keim, and failed to immediately notify a supervisor and prepare a written report to memorialize the incident in

violation of the provisions of General Order 93-03-02B, Section II-B-1, thereby violating Rule 6 as alleged.

3. The allegation, set forth below, that Police Officer Joseph Keim, Star No. 9822, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On May 1, 2008, at approximately 0156 hours, at 654 West Garfield Boulevard, Chicago, in a graveled parking lot, Officer Keim did violate the provisions of General Order 93-03-02B, Section II-B-1, in that he witnessed misconduct and failed to immediately notify a supervisor and prepare a written report to memorialize the incident.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference. Officer Keim witnessed misconduct by Officer Doscocz and failed to immediately notify a supervisor and prepare a written report to memorialize the incident in violation of the provisions of General Order 93-03-02B, Section II-B-1, thereby violating Rule 6 as alleged.

4. The allegation, set forth below, that Police Officer Joseph Keim, Star No. 9822, violated Rule 1 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On May 1, 2008, at approximately 0156 hours, at 654 West Garfield Boulevard, Chicago, in a graveled parking lot, Officer Keim did violate the provisions of Illinois Compiled Statutes, Section 725 ILCS 5/108, effective 7-3-2003, item (1), in that he searched the interior of David Bradley's vehicle without justification.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference. Officer Keim's explanation proffered during his April 19, 2010, IPRA interview that he conducted a "plain view search" of the vehicle for officer safety to make certain there were not any weapons, and that he believed there was sufficient probable cause to search in "plain view" for a

weapon, is belied by the Police Observation Device photographs which show him searching the vehicle, not just looking to see what was in “plain view.” Moreover, Police Officer Boettcher’s March 19, 2010, IPRA statement corroborates that the vehicle was searched. The evidence in this case supports a finding that Officer Keim searched the interior of David Bradley’s vehicle without justification in violation of Mr. Bradley’s constitutional rights, and thereby violated Rule 1 as alleged.

5. The allegation, set forth below, that Police Officer Joseph Keim, Star No. 9822, violated Rule 2 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On May 1, 2008, at approximately 0156 hours, at 654 West Garfield Boulevard, Chicago, in a vacant graveled lot, Officer Keim by his overall actions or lack thereof, did bring discredit upon the Department.

See the findings set forth in paragraph nos. 1, 3, and 4 above, which are incorporated here by reference. Officer Keim’s conduct in this case clearly brought discredit upon the Department. Therefore Officer Keim violated Rule 2 as alleged.

6. The Police Board has considered the facts and circumstances of the officers’ conduct, and their complimentary and disciplinary histories. Conducting an illegal search of a vehicle and failing to report misconduct of a fellow officer are serious offenses. The suspensions ordered by the Superintendent in this matter are not unwarranted.

POLICE BOARD DECISIONS

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By a vote of 7 in favor (Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **sustains** the allegation that Police Officer William Orsa violated Rule 6;

By a vote of 7 in favor (Carney, Foreman, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, the Board **sustains** the allegation that Police Officer Jason Boettcher violated Rule 6; and

By votes of 7 in favor (Carney, Foreman, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, the Board **sustains** the allegations that Police Officer Joseph Keim violated Rule 1, Rule 2, and Rule 6.

As a result of the foregoing, the Board, by votes of 7 in favor (Carney, Foreman, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officers William Orsa, Jason Boettcher, and Joseph Keim from their positions as police officers with the Department of Police, and from the services of the City of Chicago, for a period of seven days, seven days, and fifteen days, respectively.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer William Orsa, Star No. 17885, for a period of seven (7) days is **sustained**.

IT IS FURTHER ORDERED that the suspension of Police Officer Jason Boettcher, Star No. 13670, for a period of seven (7) days is **sustained**.

IT IS FURTHER ORDERED that the suspension of Police Officer Joseph Keim, Star No. 9822, for a period of fifteen (15) days is **sustained**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Elisa Rodriguez, and Rhoda D. Sweeney.

Police Board Case Nos. 13 SR 2324, 2325, & 2328
Police Officers Orsa, Boettcher, & Keim

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY
OF SEPTEMBER, 2014.

Attested by:

/s/ DEMETRIUS E. CARNEY
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decisions of the majority of the Board.

[None]

RECEIVED A COPY OF
THESE FINDINGS AND DECISIONS
THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police